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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 59th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Tuesday, 7 March 1995, at 6 p.m.

Chairman: Mr. MEJIA (Nicaragua)
(Vice-Chairman)

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* The summary record of the second part of the meeting appears as document E/CN.4/1995/SR.59/Add.1.

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In the absence of Mr. Hitam (Malaysia), Mr. Mejia, Vice-Chairman, took the Chair.

The meeting was called to order at 6.35 p.m.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 14) (E/CN.4/1995/74 and 75)

THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 26) (E/CN.4/1995/99 and Add.1, E/CN.4/1995/NGO/1 and 2)

1. The CHAIRMAN invited members of the Commission to take up agenda items 14 and 26.

2. Mr. ELKARIB (Sudan), speaking on agenda item 26 and in response to the request made by the Secretary-General in his note verbale of 14 June 1994, said that his Government was devoting special attention to young people as part of a national strategy for the 1990s. An Agency for Youth had been set up under the Ministry of Social Planning, to promote the welfare of young people and enable them to play an active role in the cultural life of the country. There was also an Agency for Student activities to promote cultural, social and sporting activities for young people in higher education.

3. The Government of the Sudan was fully aware of the role played by youth in the defence of human rights and was making particular efforts to provide special training, especially in higher education, which was to be expanded further.

4. With regard to the matter of conscription, he emphasized that military service in the Sudan was purely voluntary, although a 1991 Law made it compulsory for young men between the ages of 18 and 34 to spend between one and two years in national service of a civilian nature in government agencies and hospitals. Exemptions from such service could be granted at the discretion of a committee. However, although military service was voluntary, all male students were required to undergo a short period of military and sports training, to which exemption could be granted on health grounds. Training in the peoples' defence forces, which involved service in areas of conflict, was based on a 1989 Law and was purely voluntary.

5. Mr. FLACHE (World Health Organization), speaking on agenda item 14, said that the report of the Secretary-General on "Human Rights and bioethics" (E/CN.4/1995/74) was timely and important. The global health community bore a responsibility for consolidating earlier work done in that area by the United Nations, and WHO was committed to playing its part.

6. The Ninth General Programme of Work for the period 1996-2001 had for the first time recognized a role for WHO in bioethics and had highlighted the need to tackle new ethical questions raised by recent advances in genetics and medical technology. The forty-seventh World Health Assembly had focused largely on ethical issues affecting health policy and WHO was poised to launch a number of major initiatives in the area of bioethics. The emphasis in the first instance would be on ethical issues in reproductive health, partly in

response to the report of the International Conference on Population Development held in Cairo in September 1994. A task force on WHO's new policy on ethics as well as some more informal mechanisms were to be set up. WHO would keep the Governments of all Member States informed of progress and hoped to draw on the considerable expertise that had developed nationally and internationally. It would cooperate fully with other intergovernmental organizations, in particular UNESCO, which had done pioneering work in the area, as well as the Council of Europe and the European Union.

7. Bioethics was an area in which NGOs could play an important role. None had contributed more to the development of the discipline than the Council for International Organizations of Medical Sciences, with whose endeavours WHO had been closely associated. Among the most important of its programmes had been the International Dialogue on Health Policy, Ethics and Human Values, which had so far resulted in the proclamation of a "Global Agenda for Bioethics" (the so-called Declaration of Ixtapa).

8. Among other important initiatives had been the creation, in September 1994, by the Pan American Health Organization (PAHO) of a Regional Programme on Bioethics for Latin America and the Caribbean, based in Santiago. A previous contribution by PAHO in the field of bioethics had been the publication in 1990 of an important book entitled Bioethics: Issues and Perspectives, now widely used as a textbook in medical schools and other institutions throughout Latin America.

9. In the view of WHO, the principles of bioethics and human rights formed a single continuum, a fact which had been recognized by the Vienna Declaration and Programme of Action and was demonstrated by the present debate on the Secretary-General's report. With that in mind, WHO would adopt an integrated approach in its various areas of interest to ensure that populations would have access to health care based on equity, justice and respect for autonomy, and in accordance with fundamental human rights principles.

10. Mr. GRAY (Friends World Committee for Consultation), speaking on agenda item 26, said that Quakers had been opposing war and refusing to bear arms for over 300 years in the conviction that there was something of God in every person and that it was therefore wrong to kill another human being. That refusal also stemmed from the belief that a peaceful and just society could not be created or maintained by violence. Quakers were not alone in that conviction, and the need to recognize the right of conscientious objection was just as urgent as ever.

11. His organization welcomed the recognition by the Human Rights Committee that a right of conscientious objection could be derived from article 18 of the International Covenant on Civil and Political Rights and the Committee's declaration in its General Comment on article 18 that there should be no differentiation between conscientious objectors on the basis of the nature of their particular beliefs and no discrimination against conscientious objectors because they had failed to perform military service. His organization therefore urged States to comply with the Committee's request for information on the conditions in which persons could be exempted from military service under article 18 and the nature and length of alternative service.

12. Despite previous Commission resolutions recognizing the right of conscientious objection and urging States to introduce alternative service, conscientious objectors continued to be imprisoned for their beliefs. In some countries, they were served with another set of call-up papers on their release from prison, leading inevitably to a further term of imprisonment. That practice punished the objector more than once for the State's refusal to recognize the right of conscientious objection and discriminated against objectors because they had failed to perform military service. He therefore urged States to end the practice and conform with the principles of non-discrimination enunciated by the Human Rights Committee.

13. It was also a matter of concern that some conscientious objectors had to seek asylum abroad because they had no right of conscientious objection in their own country. Some young people also sought refuge abroad to avoid participating in internationally condemned wars, genocidal acts, war crimes or other gross human rights violations. Such people were the conscience of their societies and deserved the support of the international community, since the actions in which they refused to become involved were now recognized as international crimes. He urged all States facing such applications to grant asylum, at least until the individual concerned could return home in safety and without fear of prosecution or harassment.

14. Mr. MONOD (War Resisters International), speaking on agenda item 26, said that his organization supported conscientious objectors and wished to extend that support to army personnel who refused to take part in military campaigns directed against civilian populations.

15. Governments in general were anxious to ensure the obedience of their citizens and remind them of their duties. When some of those citizens took up arms in the name of a religion or a nation and attempted to overthrow the legal Government, the forces deployed to restore order often perpetrate indiscriminate acts of violence and destruction, causing immense suffering among the civilian population. It was clear that such operations were not compatible with the principle of respect for human rights, as could be seen in the many regions of the world where actions of that kind were taking place.

16. The Government of Turkey had announced its intention to suspend the implementation of human rights in Turkish Kurdistan. In Chechnya, Russian forces continued to bombard Grozny, forcing its civilian inhabitants to flee or risk death. In occupied Palestine, Israeli forces continued to destroy Palestinian property and evacuate villages, despite protests by Israeli human rights advocates. The time had come to recognize the right of soldiers to refuse to take part in such military actions, in recognition of the principle established during the Nuremberg trials that a defence based on "superior orders" was not admissible in war crimes and that an individual had an obligation and a right to heed his own conscience.

17. Mr. GEBRIEL (World Federation of Democratic Youth), speaking on agenda item 26, said that, in order to understand the role of youth in the promotion and protection of human rights, it was necessary first to form a clear picture of the circumstances in which millions of young people now lived. Many thousands of young people, many below the age of 15, were forced to take part in active military service. In the Sudan, for example both Government and

rebel factions often used young people in their military activities, and refusal to serve in the Government militia resulted in loss of travel, employment and educational rights. In Liberia there were an estimated 6,000 soldiers below the age of 15. Most young people serving in military forces had been conscripted against their will, often by force. Being poorly educated, they were easily indoctrinated and became tools in the violation of the rights even of their own relatives, ruining their own lives and poisoning the societies to which they belonged.

18. In Europe and many other parts of the world, many young people were imprisoned every year for their refusal to serve in the military on moral, religious or political grounds. His organization believed that it was wrong to compel anyone to serve in the armed forces against their will, and that any decision by the individual to enlist should be a free and informed one. Suitable provision also had to be made for those who refused to serve. While commending the efforts of the Working Group on the optional protocol to the Convention on the involvement of children in armed conflict (E/CN.4/1995/96), which aimed to raise the minimum age for military recruitment to 18 years, his organization regretted that some countries had objected to the proposals made and urged them to reconsider their position.

19. Young people often suffered a disproportionate share of the adverse effects of social and economic upheavals. For example, unemployment among the young was often higher than the national average and a disturbing number of young people had lost faith in education and training as a means of ensuring their own future security. As a result, many young people failed to settle into stable employment and become fully integrated members of the labour force.

20. Clearly, if young people were to play an effective role in the promotion and protection of human rights and fundamental freedoms, their own rights, which had hitherto not received their due share of attention from the United Nations system, had to be protected. One significant step in the right direction would be the adoption of a charter of rights for youth, drafted in cooperation with young people.

21. Lastly, his organization welcomed the progress made by the Working Group set up to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote universally recognized human rights and fundamental freedoms. That declaration would further advance the cause of human rights.

22. Mr. PRICE (Pax Christi International), speaking on agenda item 26, said that his organization welcomed the Human Rights Committee's General Comment No. 22 (48) which acknowledged that the right of conscientious objection, although not explicitly mentioned in the International Covenant on Civil and Political Rights, could be derived from article 18 of that instrument. Pax Christi International believed that the right of conscientious objection, in time of war and peace, should be recognized consistently, as implied by the General Comment.

23. To judge by the example of Germany, conscientious objection and the existence of appropriate alternative service could be of positive benefit to a

society. Convincing arguments had been put forward by a number of authors that alternative civilian service was indeed essential to the functioning of Germany's social welfare system. In other countries, too, conscientious objection appeared increasingly to be a viable possibility as opposition to war and militarization among young people increased. In several countries of the former Eastern block, the right of conscientious objection had been formally recognized in recent legislation and provisions had been made for alternative service.

24. Pax Christi International welcomed such developments, but remained concerned that too many countries still refused to recognize the right of conscientious objection. Even where that right existed in theory, the relevant legislation was often not implemented. A Conference on Conscientious Objection, Alternative Service and Demilitarization held in Moscow in November 1994 had brought to light many cases of conscientious objectors imprisoned for their beliefs, tortured in prison or forced to serve in military units. All too often, legislation was out of step with reality. In some parts of the world, such as Central and South America, young men found guilty of desertion after forceable recruitment or draft evasion faced very severe penalties. The presence at the conference of young people from western Europe, the United States and several countries in eastern Europe suggested that support among young people for conscientious objection and alternative service was ceasing to be a predominantly western phenomenon and becoming a worldwide movement.

25. Throughout the world, growing numbers of young people were refusing to do military service. The Commission should continue to support their rights as defined in articles 3 and 18 of the Universal Declaration of Human Rights and to urge Member States to enact and implement legislation that protected their rights. His organization suggested that the Commission might consider the following specific proposals: that objectors whose conscience crystallized during their military service should be released from military service and not be subject to punishment; that States with compulsory military service should make provision for alternative service, which should not be punitive or longer than military service; that Member States, bearing in mind their obligations under the United Nations Convention relating to the Status of Refugees and the United Nations Handbook on Procedure and Criteria for Determining Refugee Status, should grant asylum to anyone with reason to fear persecution on the grounds of his or her conscientious objection; that Member States should be encouraged to distribute information on conscientious objection to both civilians and military personnel, and to work with NGOs and other bodies which gave advice to conscientious objectors; and that the United Nations should be urged to maintain its focus on the issue of conscientious objection. It was ironic that the right to refuse to kill appeared to be more difficult to obtain than the right to kill in armed conflict.

26. Mr. LADOR (Sierra Club Legal Defense Fund, Inc.), speaking on agenda item 14, said that his organization wished once again to draw the Commission's attention to the indissoluble link between human rights and the environment, particularly the interrelationship between certain scientific and technical developments and the right to life.

27. Since 1989, the Sierra Club had, in its reports to the Commission highlighted several cases of the export of dangerous toxic substances to developing countries in order to circumvent strict regulations in the country of origin. They included the "Maquiladora toxic waste dumping" case in Mexico, the export of chlordane and heptachlor by the Veicol Chemical Corporation, and the marketing of the nematicide DBCP by Dow Chemical and Shell Oil after those products had been banned in the United States. Products such as pesticides were used on crops or, alternatively, disposed of in unregulated dumps. Quite apart from the general environmental effects, the practices posed alarming threats to the health of industrial and agricultural workers and public health in general. In 1986 WHO had estimated that one million people suffered acute poisoning from pesticides every year and that 20,000 of them died from exposure to them. The number of deaths, birth defects, sterility and illnesses caused by such practices was unknown but likely to be very high. As well as potentially violating the right to life and the right to health, such exports also violated the right to information and the right to appropriate remedy, since people were exposed to unknown quantities of toxic pollutants and prevented from making informed choices or denied effective remedies against those responsible for the use, sale or storage of the toxic products in question.

28. Every human being had certain inalienable rights under international human rights law, namely, the inherent right to life (under art. 6 of the International Covenant on Civil and Political Rights); the right to the enjoyment of the highest attainable standard of physical and mental health (art. 12 of the International Covenant on Economic, Social and Cultural Rights); and to safe and healthy working conditions (art. 7 of the International Covenant on Economic, Social and Cultural Rights). People also had the right to receive or impart information (art. 19 of the International Covenant on Civil and Political Rights), and to equality before the law (arts. 14 and 26 of the same Covenant). All States, irrespective of economic circumstances, were under a duty to prevent the use of scientific and technological achievements to the detriment of human rights and fundamental freedoms, in keeping with article 8 of the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind.

29. Finally, the Sierra Club urged the Commission to ensure effective monitoring of the human rights issues arising from the movement and dumping of toxic products and wastes and to take specific measures in response to the threat posed by such practices.

30. Ms. OLGUIN (International Indian Treaty Council) said, with regard to agenda item 14, that the question of human rights and scientific technological development should include the need to involve indigenous peoples to a greater extent so that they could establish, together with Governments and scientific institutions, a set of regulations or a code of bioethics which would ensure respect for indigenous cultural integrity and diversity, the collective value of the community, informed consent and concern for the preservation of cultural and intellectual property. The indigenous communities were concerned by the fact that "bio-pirates" and pharmaceutical companies were unrelentingly conducting research into and searching for the most common medicinal plants in

more than one community. They were also alarmed that the Convention on Biological Diversity failed to recognize the inherent rights of indigenous peoples and reflect an understanding of the spiritual relationship they had with all living beings.

31. In February 1995, representatives of many indigenous nations had met in Arizona to develop strategies in response to the proposed Human Genome Diversity Project (HUGO), which was a worldwide effort by scientists to collect genetic samples of over 700 distinct indigenous peoples. The samples would be stored in gene banks and provide a perpetual source of human cell lines for genetic research and manipulation. The Project opened the way for the potential widespread abuse of human genetic materials for scientific, commercial or military purposes. His organization therefore recommended that the question of indigenous peoples should be included in the agenda of the next Conference of the parties to the Convention on Biological Diversity as a matter of urgency. The Conference should also deal with biosafety and ex situ collections, intellectual property rights, incentives and indigenous knowledge. Moreover, indigenous peoples should participate in such conferences and in the Commission on Sustainable Development so as to be able to promote efforts to preserve and maintain indigenous knowledge and the application of such knowledge.

32. With regard to agenda item 26, he said that the indigenous communities of Guatemala had objected to the practice of forced recruitment into the army because of the impact it had on young persons, thousands of whom were being uprooted from their communities and way of life and subjected to a degrading training programme that attempted to alienate them from their values, tradition and culture. Moreover, the National Coordination of Widows of Guatemala (CONAVIGUA) opposed forced recruitment, particularly of minors, on the grounds that it was not only discriminatory but illegal. In May and June 1994, the Ombudsman for Human Rights in Guatemala had received more than 596 reports of illegal forced recruitment and had been able to free 148 minors who had been illegally recruited.

33. His organization supported the right to conscientious objection and endorsed the request of Guatemala's indigenous peoples that community civil service should be introduced as an alternative to forced recruitment.

34. Mr. EGÜZ (Observer for Turkey), speaking in exercise of the right of reply, noted that one speaker had stated that the Government of Turkey had allegedly announced that it was suspending the implementation of human rights in Turkish "Kurdistan". First of all, there was no such region in Turkey. Secondly, pursuant to article 15 of the European Convention on Human Rights, Turkey was entitled to derogate from certain rights in the emergency region, where the authorities were trying to combat terrorists who, over an 11 year period, had indiscriminately killed more than 4,000 civilians, and whose aim was to dismember the country. Turkey's derogation was very limited and it continued to respect all basic human rights in the emergency region.

35. Mr. EL KARIB (Sudan), speaking in exercise of the right of reply, said that the Government of the Sudan was well aware of the pioneering role of young people in ensuring respect for and the protection of human rights. Contrary to the allegation made by the World Federation of Democratic Youth,

there was no compulsory military service in the Sudan. Equally untrue were the allegations that young people were being forced to engage in warfare. United Nations bodies and the World Federation of Democratic Youth should note the fact that the Government was trying to combat subversive movements and elements in the south of the country. The World Federation should also note that young people in the military forces were fighting as a result of ethnic cleansing in regions close to Sudan.

36. The CHAIRMAN said that the Commission had concluded its general debate on agenda items 14 and 26.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 23) (E/CN.4/1995/93)

37. Ms. NYSTUEN (Norway), speaking on behalf of the Chairman-Rapporteur of the Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, said that the Working Group had been unable to finalize texts relating to some of the crucial problems it had been facing for many years. A solution to those problems depended on the political goodwill of all parties involved in the process. At its tenth session, however, the Working Group had taken a modest step towards the finalization of the draft declaration. It was gratifying that no delegation had expressed the view that the substance of the Working Group's efforts was of little importance, and that many NGOs had participated actively in the drafting process during the tenth session. In fact, the statements made in the Working Group had emphasized the importance of the project. The drafting and ultimate adoption of the declaration were crucial to the future beneficiaries, namely, the victims of human rights abuses.

38. Legitimate concern had been expressed at the slow progress of the drafting process. However, the Chairman-Rapporteur was heartened by the fact that Governments were paying careful attention to the drafting exercise, which proved that they recognized the importance of the future declaration.

39. Mr. KUZNIAR (Poland) said that the role and functions of non-governmental organizations (NGOs) in the field of human rights had been recognized on many occasions by politicians, United Nations officials and United Nations bodies and agencies. NGOs should be seen as a third, indispensable pillar of the universal system for the protection of human rights. However, there was no single document setting up a framework and basis for their role and functions or for safeguarding the rights and security of persons engaged in non-governmental human rights activities.

40. NGOs performed vital functions. First, since they were in direct contact with situations where the question of human rights was at stake and were usually the first to know where there was a need for regulations covering new developments. Second, on many occasions NGOs provided early warning, monitoring and information on human rights violations, especially in situations where Governments were unwilling to cooperate with the international community or where nobody else wanted to go to the places where

the conflicts and violations were occurring. Third, NGOs were able, through education, advisory services and information to help shape positive human rights attitudes at all levels, and last but not least, they provided valuable humanitarian assistance.

41. The High Commissioner for Humán Rights had stated that the work of a human rights defender did not simply entail providing a social service. It demanded personal integrity, courage, a wide knowledge of domestic and international law and an understanding of the social problems of particular countries and communities.

42. The purpose of the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms was to safeguard for human rights defenders the same rights that had been universally recognized for all persons in the International Bill of Human Rights. The outcome of the tenth session of the Working Group had been depressing, but at least the text of the draft declaration was nearing completion. What was needed to round off the process was the political goodwill to adopt the draft declaration and to submit it to the Commission on Human Rights. New objections and proposals were compromising the very principle of consensus, but every effort should be made to ensure that the draft was completed at the eleventh session of the Working Group. The international community and the United Nations in particular owed a great deal to human rights defenders. The adoption of the draft declaration would allow them to enjoy the rights they deserved and would contribute to a recognition of their work and efforts.

43. Mr. SHATTUCK (United States of America) said that, following the Second World War, the building of a global structure of human rights had been given special urgency by the unprecedented horrors of the holocaust and of modern totalitarianism. Throughout modern history, whenever fundamental human rights had been assaulted by Governments and their leaders, human beings had been turned towards destruction, as in the nazi concentration camps, in the Soviet Gulag and more recently in the genocide in the former Yugoslavia and Rwanda.

44. The structure of human rights was a framework within which nations and Governments sought to honour their commitment to avoid a repetition of such horrors. However, nations varied in the extent to which they upheld universal human rights. The cause of universal human rights needed help. Fortunately, such help was available. In many cases the most effective advocates for international human rights were not Governments but those who put their lives at risk so that others might know the day when human rights applied to everybody everywhere. The international community owed human rights defenders a debt of deep gratitude. They were often the conscience of the countries they came from and sometimes suffered badly for their courage. However, their greatest enemy was silence. The Commission on Human Rights should state, loudly and clearly, that it supported the fundamental right of individuals to tell the truth as they saw and heard it.

45. More than 10 years had passed since the Commission had established an open-ended Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and

protect universally recognized human rights and fundamental freedoms. The United States had consistently supported efforts to draft a solid declaration. However, progress on completing the declaration was being blocked by countries that wanted to shackle their citizens' human rights rather than to promote them. The situation was unacceptable and it was time to complete the draft declaration.

46. Mr. LEGAULT (Canada) said it was the efforts of brave and determined individuals and groups, often in the face of hostility from Governments, that had been largely responsible for the progress achieved in promoting and protecting human rights and fundamental freedoms. In 1985, at the Commission's forty-first session, a Working Group had been set up to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. Since then, it had met annually, and in 1993 the World Conference on Human Rights had recommended speedy completion and adoption of the declaration. However, his Government was greatly concerned to note that no resolution for the adoption of the declaration was before the Commission at its current session.

47. Canada, as one of the original sponsors of the declaration, regarded it as an instrument for affirming and safeguarding the rights and responsibilities of persons and groups who defended human rights and fundamental freedoms in the face of State opposition. It was not the purpose of the declaration, as some would have it, to create a so-called balance between the rights of human rights defenders and their responsibilities to the State: that would provide the State with yet more justification for fettering the activities of human rights defenders, and would undermine the very purpose of the declaration.

48. His Government remained as committed as ever to the declaration and to the rights of human rights defenders, and would continue to oppose any proposals that sought to undermine them.

49. Mr. LILLO (Chile) said that, at the Commission's previous session, his delegation had expressed the view that the title of the agenda item under discussion appeared to seek to conceal the true implications of the issue. As he saw it, the reason was that certain States, fearing that the activities of human rights defenders would result in their being accused of human rights violations, were seeking to discredit the accusers. It would seem that, in giving such a title to the agenda item, the Commission had forgotten that its own mandate was to safeguard respect for human rights, not to conceal them or minimize their importance. It was paradoxical that those who, of their own free will, had undertaken to stand up for the rights of the weak and defenceless and who should have been able to rely on the support of all Member States of the United Nations, should have had to face opposition from many States in their efforts to enshrine the rights of human rights defenders in a declaration. Although discussions on the declaration had been continuing for 10 years, little progress had yet been made.

50. Since the existence of human rights defenders was evidence of society's response to grave and persistent human rights violations, it was not surprising that the strongest opposition to them should come from those who

were most guilty of such violations. For Governments that were genuinely trying to promote democracy and the rule of law, human rights defenders should not represent a threat, but should rather be welcomed as allies. There was no doubt that those engaging in such activities, often at the risk of their lives, did so out of conviction, and not merely to serve their own ends.

51. The fact that the Working Group had failed to complete the draft declaration after 10 years was a bad sign politically, because it revealed the unwillingness of certain Governments to legitimize the activities of human rights defenders. It was an even worse sign that defenders should need to have their rights defined in a specific declaration, as if the defence of victims of human rights violations was a gracious concession on the part of States, rather than a strict moral, legal and political duty with which they were bound to comply.

52. That situation was proof that human rights defenders, because of the unrelenting persecution of totalitarian States, had themselves become threatened, and needed to be defended in their turn. They had become the target of systematic attacks, and it was claimed that their activities were politically motivated. It was often overlooked, however, that the issue of respect for human rights inevitably had a political aspect, simply because the relationship between the individual and the State was essentially political.

53. It was also claimed that the activities of human rights defenders were not always strictly humanitarian. However, many human rights, notably freedom of assembly, freedom of association, and freedom of expression, were not so much humanitarian as political. That in itself was no reason why such rights should be violated or their importance minimized.

54. It was further alleged that human rights defenders were not impartial, but guilty of being "selective". It was difficult to see how a defender of human rights could avoid taking sides when defending a victim of human rights violations, since his role was to defend the victim, not the oppressor.

55. In conclusion, he thanked the members of the Working Group for their efforts, and assured them of his Government's continued support. He hoped that the Group's mandate would be renewed for a further year so that real progress could be made and the declaration completed without further delay. Provided that the political will existed, that task should not be too difficult.

56. Mr. TARRE MURZI (Venezuela) said the question whether the State had been created for man, or man for the State, was still of relevance in modern times. Political systems such as communism or fascism had favoured the second alternative, and all were aware of the extremes to which that belief had led. Fortunately, the fall of fascism in 1945 and the collapse of communism in the 1980s had been followed by the ascendance of a philosophy in which the concepts of individual freedom and the dignity of the human person had pride of place. That did not mean that such concepts, once enshrined in a political document such as the declaration, would necessarily be put into practice everywhere and at all times. There was a long and arduous road to travel before that could be achieved.

57. However, human rights defenders, whether individuals, groups or institutions, were now playing an increasing role in combating human rights violations throughout the world. That was a sign that man had at last begun to try to take control of the political and economic systems he himself had created. Some Governments might feel threatened by such developments, but if they were genuinely democratic they should have nothing to fear.

58. Non-governmental organizations concerned with human rights had not spared his own country from criticism, and indeed Venezuela, despite having been a democracy for 20 years, still had much to do to eradicate from the minds of its leaders an attitude summed up by the popular saying "an authority which does not abuse its powers loses prestige". His delegation welcomed the increase in the number of human rights defenders worldwide, and believed that in the end their efforts would be crowned with success.

59. Mr. GUNNARSSON (Observer for Iceland), speaking on behalf of the Nordic countries, Australia, Austria and Switzerland, said that human rights activists were often exposed to harassment or mistreatment, and some had even lost their lives in the course of their activities. They nevertheless persisted in their efforts, collecting information, publicizing violations, and assisting victims throughout the world. It was against that background that work on the draft declaration should be viewed.

60. Considerable progress had been made by the Working Group at its eighth and ninth sessions, and his delegation was deeply disappointed that the text of the declaration had not been finalized at the tenth session. He supported the resolution calling for the Working Group to be reconvened for one week in 1995, and hoped that those countries which so far had been unable to join in a consensus would reconsider their position, and explore possible ways of achieving progress.

61. His delegation regarded the declaration as a charter for human rights defenders all over the world. Its adoption at the forthcoming session of the Working Group would be a way of expressing the international community's indebtedness and gratitude to the defenders for their efforts.

62. Mr. DEZUMBE (International Federation of Human Rights) said that, at the previous year's session, several NGOs had expressed their concern to the Commission about the way the declaration was being drafted. In fact, they had found it necessary to remind the Commission that the purpose of the declaration was not to protect States against the activities of human rights defenders, but on the contrary to ensure that the defenders were protected in the pursuit of their legitimate activities under international law.

63. Unfortunately, that appeal had fallen on deaf ears. His organization was appalled by the failure of the Working Group to make any substantial progress in the drafting process because of the obstacles created by those motivated by short-term political interests.

64. A number of proposals made during the Working Group's tenth session had in fact fallen far short of existing provisions of international law. The Federation had already denounced that trend, which appeared to be on the increase. If the declaration was to be in conformity with international law,

it should, at the very least, make provision for the right to form groups and organizations designed to promote human rights and to protect victims of human rights violations; the right freely to advocate human rights work, and to issue and disseminate information and publications; and for the right to unhindered access to public information on human rights and fundamental freedoms. The declaration should also provide for the right freely to communicate with public institutions, NGOs and intergovernmental organizations; the right to monitor States' compliance with their obligations under national and international human rights instruments, and to draw public attention to their records of compliance; the right to participate in any peaceful activities aimed at implementing effective realization of human rights and fundamental freedoms; the right freely to solicit, receive and utilize financial and other contributions, including contributions from foreign sources; the right to seek redress and compensation for human rights violations committed by States, and other abuses committed by groups or individuals; and finally, the right freely to choose which specific human rights and cases on which to focus attention.

65. During the World Conference on Human Rights in 1993, the world community had indicated its willingness rapidly to finalize and adopt such a declaration. Adoption would be a clear indication of the commitment of States to promote and protect human rights and fundamental freedoms in practice worldwide. However, should any of the rights he had referred to not be included in the Declaration, the commitments made at the Conference would be nothing but empty rhetoric.

66. In asking the Commission to renew the mandate of the Working Group, his delegation deplored the fact that a legitimate search for consensus had been deliberately used by a few States as a pretext for exercising their veto, thus preventing the declaration from being finalized.

67. Mr. TORRA i MIRO (Pax Romana) said that, in his delegation's view, the declaration would have to cover environmental issues if it were not to be obsolete from the moment it came into force. He believed that the declaration should explicitly recognize the right to receive environmental information, and the duty to facilitate the exchange of such information, in the interests of promoting and protecting the human rights of future generations.

68. First, the launching of ventures or projects which could pose a threat to the natural habitat of an area required a supply of environmental information on possible harmful effects. Secondly, there was need for a flow of information on how to alleviate the effects of ecological disasters once they had occurred. Some "developed" countries possessed sufficient eco-technology to offset the effects of disasters, and it was difficult to understand why, as a general rule, that technology was not made available to countries with serious ecological problems. Thirdly, it was crucial that the data bank of seeds and other vegetal genetic materials now in course of creation should remain in the hands of the Food and Agriculture Organization of the United Nations (FAO), the body which ought properly to have responsibility for it, and not in the hands of the World Bank. Access to that data bank should be free and public. Fourthly, it should be realized that the patenting of

micro-organic and vegetable forms of life amounted to plundering the ecological wealth of "less developed" countries as well as ecological and environmental information which, once appropriated, could not be returned to its owners.

69. The declaration should explicitly state that those who had the right to receive and the responsibility to impart information on environmental issues were individuals, groups set up in response to specific ecological concerns, economic groups (companies of all kinds, including transnationals) and local, national and international institutions.

70. His delegation supported the recommendations made in the report of the Special Rapporteur for human rights and the environment (E/CN.4/Sub.2/1994/9). It believed that the Commission, for its part, should urge the Working Group to study possible mechanisms for protecting the right to receive environmental information, such as, for instance, the appointment of an ombudsman for environmental questions in every State that was a signatory of the Charter of the United Nations. Such an appointment would be for a fixed term. Any failure to fulfil the mandate would incur clearly defined penalties.

71. The ombudsman's role would be to hear complaints of any misuse, over-exploitation or non-regeneration of natural resources, or of any contamination or injury to the environment that had occurred in the course of implementation of a national development programme. He would also investigate complaints and seek solutions, using whatever human and technical resources were necessary for the purpose. Finally, he would be free to transmit complaints to his Government and to suggest viable solutions, so that the Government would then have a proper basis on which to take the best decision in the interests of the State's development.

72. His delegation was not claiming that Governments deliberately refused to take ecological problems into account; rather, because of lack of information, they often approved development policies based on entrepreneurial attitudes motivated by the desire for gain, and did not think in terms of the long-term future of their own natural resources. As a result, signs of serious ecological imbalances were already beginning to appear.

73. Mr. CARRILLO SUAREZ (Andean Commission of Jurists) said the declaration could be a positive step towards protecting and safeguarding groups and individuals who had suffered persecution and death as a result of their activities in defence of human dignity, and could also help to legitimize the role of NGOs in relation to Governments and the international community in that respect. It could have a particularly positive impact in the Andean region, where numerous non-governmental groups were helping to promote effective monitoring of human rights and to strengthen existing democratic processes.

74. The activities of human rights defenders should not be seen as opposing or obstructing States; on the contrary, their efforts in fact helped to strengthen democracies throughout the world.

75. With regard to the draft text under discussion, there was a risk that, where article 1 was concerned, States might contemplate introducing in their domestic legislation restrictions on human rights that were not permitted under international treaties. With reference to chapter II, article 5, he pointed out that the obligations provided for were essential in order to ensure that citizens were aware of their own rights and to facilitate access to information on those rights. Many States in the Andean region did not provide their citizens with sufficient political education or access to information. Experience had shown that human rights training programmes for members of the police and the military did not contain essential elements such as respect for civil rights and democracy.

76. The rights and freedoms recognized in the declaration would not be properly safeguarded unless the draft text made clear what States were not permitted to do. The Governments of a number of Andean countries had endeavoured to impede or prevent the setting up and functioning of non-governmental organizations concerned with human rights, using various methods and arguments for the purpose. The declaration should specify that no interference on the part of States which prevented such organizations from operating would be permitted.

77. With regard to chapter IV, it should be made clear that the right to judicial or administrative recourse in order to remedy situations which contravened fundamental human rights was already recognized in international treaties on the subject. In particular, it should be stated that such recourse should be effective and appropriate, which would imply a limitation on the actions of special courts. In some countries of the region, it had become the rule that trials for human rights violations should be held in military courts, which normally guaranteed impunity for those directly or indirectly responsible for such violations.

78. His delegation was greatly concerned by the content of chapter V. The objective of the declaration should be to legitimize the work of NGOs and individuals working to defend human rights worldwide; that objective would be distorted if any limitations were set in that regard. There was a danger in making the activities of human rights organizations subject to the provisions of domestic legislation without clearly establishing that international norms in the matter had precedence over domestic law. The situation was particularly serious in countries where the primacy of international treaties over national law was not clearly established, because it could be interpreted as giving absolute licence to States to restrict or bring an end to the activities of human rights groups, or to impose requirements on them which undermined their effectiveness.

79. Mr. McCHESNEY (International Commission of Jurists) said that human rights defenders were often the only people willing, capable and courageous enough to speak out to protect human dignity. The International Commission of Jurists (ICJ) believed that such crucial and dangerous work demanded the respect, protection and support of the international community.

80. Too many States intimidated and persecuted human rights defenders. Some required all NGOs to register but denied applications from human rights groups or kept them in abeyance indefinitely. They raided the offices of NGOs, removed documents, destroyed equipment and abducted workers, some of whom were never seen again. States refused permission for funding or other assistance from outside sources or subjected the organizations to the discriminatory application of regulations. They arrested people who spoke to the foreign press about human rights and besmirched the reputations of human rights activists in the national media. Sometimes those attacks were accompanied by published threats or public invitations to harm the targeted individuals. In some States, military and paramilitary groups reacted violently to any attempt to carry out human rights work. Such violence had included the disappearance or killing of human rights monitors.

81. In 1994 alone, 572 judges and lawyers in 58 countries had suffered reprisals because of their professional work - because they had dared to uphold the rule of law and human rights. Apart from lawyers, the community of human rights defenders included journalists and other writers who reported objectively about human rights violations, as well as doctors who refused to assist in torture, teachers who told individuals about their rights and people who assisted organizations of women, indigenous and minority groups, peasants, workers or refugees.

82. Recently, an individual had reportedly been attacked by police in one country for publishing information on human rights activities and complaining about police harassment. Another State had detained a lawyer upon his return from receiving an international human rights award. Many human rights defenders had been threatened in the course of their careers.

83. ICJ appreciated the Commission's support of the idea of a declaration on the right to promote and protect human rights and paid tribute to the efforts made by most States in drafting such a declaration. A few States, however, persisted in demanding that the declaration should grant unprecedented powers to restrict the work of human rights defenders.

84. While supporting the continuation of the working group's mandate, ICJ believed that consensus must not be sought at the cost of limitations on the freedom of human rights defenders. It was neither appropriate nor lawful for States to try to impose their will in that regard. Indeed, the declaration must state explicitly that the rights of human rights defenders should be implemented at both the national and international levels, and that activists were free to work for protection of the rights of others. It should also proclaim the right of human rights defenders to protection from those who sought to intimidate, attack or otherwise harm them because of their human rights work or ideas.

85. The CHAIRMAN announced that the Commission had completed its consideration of agenda item 23.

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1995/L.28 and L.110)

Draft resolution on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/1995/L.28) and amendments thereto (E/CN.4/1995/L.110)

86. Mr. HYNES (Canada) requested that consideration of the draft resolution should be postponed to enable the sponsors to study the amendments contained in document E/CN.4/1995/L.110 which had just been submitted. It was hoped that consensus could be reached on that important subject by the Commission's next meeting.

87. The CHAIRMAN announced that consideration of the draft resolution would be postponed.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(agenda item 10) (continued) (E/CN.4/1995/L.55)

Draft resolution on the question of arbitrary detention (E/CN.4/1995/L.55)

88. Mr. HAREL (France), introducing the draft resolution on behalf of the 22 sponsors, said that in its resolution 1991/42 the Commission had decided to establish a Working Group of five independent experts to look into the question of arbitrary detention. The work they had done was commendable and deserved to be pursued. In 1994, the Working Group had considered 300 cases of alleged arbitrary detention. In some instances it had addressed communications to Governments, in others it had sent warnings, and in yet others it had requested, on strictly humanitarian grounds, the immediate release of the persons concerned. In 1994, two Governments had invited the Working Group on Arbitrary Detention to visit their countries, thereby facilitating a productive interchange that promoted respect for human rights.

89. The text before the Commission had been revised in the light of negotiations, and the sponsors hoped that it would be adopted by consensus.

90. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Chile, Germany, Madagascar, Nepal, Romania, Senegal, Sweden and the Russian Federation had also become sponsors of the draft resolution.

91. The draft resolution was considered to fall within the scope of the mandates of the Economic and Social Council, for which resources were already provided under section 21 of the current biennium budget. No additional resources would, therefore, be required for the implementation of the draft resolution, if adopted.

92. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution without a vote.

93. It was so decided.

94. The CHAIRMAN invited delegations to speak in explanation of vote on all the draft resolutions adopted under agenda item 10.

95. Mr. NAITO (Japan) said his delegation had joined in the consensus on the draft resolution concerning staff members of the United Nations and of the specialized agencies in detention (E/CN.4/1995/L.54). While supporting the general tone of the draft, Japan had reservations on paragraph 6(e), which seemed to imply that, under the Convention on the Privileges and Immunities of the United Nations, United Nations officials should be granted immunity from arrest or detention. His Government failed to see any provision in that Convention justifying such an interpretation.

96. Japan had likewise joined in the consensus on the draft resolution concerning human rights in the administration of justice, in particular children and juveniles in detention (E/CN.4/1995/L.57). It attached the greatest importance to the promotion and protection of human rights in the administration of justice, especially where children were involved. However, it was of the view that international consultations were required before it would be possible to assess the recommendations of the expert group meeting held at Vienna from 30 October to 4 November 1994. Since juvenile delinquency would be on the agenda of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Japan believed that the protection of the rights of children in criminal proceedings required further study.

97. Mr. BEBARS (Egypt), referring to the draft resolution on the question of enforced disappearances (E/CN.4/1995/L.53), which had been adopted without a vote, said his Government believed it was important to distinguish between disappearances practised at the level of the State and disappearances that occurred for other reasons.

98. The CHAIRMAN said that the Commission had concluded its consideration of agenda item 10.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 11) (continued)

Draft resolution on obstacles to the establishment of a democratic society and requirements for the maintenance of democracy (E/CN.4/1995/L.29)

99. Mr. MEJIA (Nicaragua), introducing the draft resolution on behalf of the sponsors, namely El Salvador, the Philippines, Poland, Venezuela and his own delegation, said the text before the Commission had been revised in the light of consultations involving all interested or concerned delegations. The amendments had been distributed in writing and would be incorporated in the final version of the resolution. The sponsors had been able to meet all the concerns expressed, and the resulting balanced text was an appropriate framework for the Commission's consideration of the issue. Adoption of the draft resolution would represent a major step forward in an area of great contemporary importance, and the sponsors hoped it could be done by consensus.

100. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution without a vote.

101. It was so decided.

Draft resolution on strengthening the Centre for Human Rights (E/CN.4/1995/L.35)

102. Mr. HAREL (France), introducing the draft resolution on behalf of its 53 sponsors, said that it reiterated the appeal for additional financial resources to enable the Centre and the High Commissioner for Human Rights to carry out their mandates, and noted that three of its paragraphs should be amended to reflect the results of the latest negotiations on the text.

103. The fourteenth preambular paragraph should be amended to read: "Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

104. The last part of paragraph 3 beginning with the words "within the framework" should be replaced by "under the direction and authority of the Secretary-General and within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Commission on Human Rights;".

105. Lastly, in paragraph 4, the words "giving due regard to other priority activities" should be replaced by "having due regard to the need to finance and implement activities".

106. He thanked all delegations involved in the negotiations and expressed the hope that the draft resolution would be adopted by consensus.

107. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Algeria, Angola, Argentina, Australia, Bangladesh, Benin, Brazil, Burundi, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Dominican Republic, Japan, Liechtenstein, Mauritania, Nepal, Nicaragua, Philippines, Poland, Senegal, South Africa, Uruguay, Venezuela and Zambia had also become sponsors of the draft resolution.

108. Mr. PEREZ NOVOA (Cuba) said his delegation paid tribute to the negotiating efforts made by France to achieve a consensus text. Nevertheless, Cuba wished to submit a few minor amendments and therefore requested that consideration of the draft resolution should be postponed to facilitate its adoption without a vote.

109. Mr. HAREL (France), said that that extensive and intensive negotiations had been under way for quite some time, but in view of the Cuban delegation's request, he would agree on behalf of the sponsors to postpone consideration of the draft resolution.

110. The CHAIRMAN said that consideration of the draft resolution would be postponed.

Draft resolutions on the elimination of violence against women (E/CN.4/1995/L.69) and on the question of integrating the human rights of women into the human rights mechanisms of the United Nations (E/CN.4/1995/L.70)

111. Mr. HYNES (Canada) suggested that action on those two might be postponed since constructive consultations on them were still under way.

112. The CHAIRMAN said that consideration of the two draft resolutions would be postponed.

Draft resolution on human rights and thematic procedures (E/CN.4/1995/L.75) and amendments thereto (E/CN.4/1995/L.109)

113. Mr. SKODA (Czech Republic) requested that action on the draft resolution should be postponed in order to facilitate final consultations with a view to achieving a consensus.

114. The CHAIRMAN said that consideration of the draft resolution would be postponed.

Draft resolution on composition of the staff of the Centre for Human Rights (E/CN.4/1995/L.80)

115. Mr. WIDODO (Indonesia), introducing the draft resolution on behalf of the 20 sponsors, said divergence of views still remained on the text, despite the additional consultations that had taken place. Its main purpose was to promote the equitable geographical distribution of posts within the Centre for Human Rights, and the sponsors believed its adoption would go a long way towards improving the present situation.

116. Mr. MÖLLER (Secretary of the Commission) said that the delegations of Angola, Bangladesh, Brazil, Egypt, Ethiopia, Gabon, India, Iraq, Kenya, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Nepal, Sri Lanka and Yemen had also become sponsors of the draft resolution.

117. Mr. EICHER (United States of America) said his delegation would vote against the draft resolution for a number of reasons, one of them being that it distorted the language of the Charter. In paragraph 2, the draft resolution stated that the prevailing distribution of posts in the Centre for Human Rights should be changed in favour of an equitable geographical distribution in accordance with Article 101 of the Charter. That Article, however, said that the paramount consideration for recruitment was the highest standards of efficiency, competence and integrity. A resolution based on such a misrepresentation of the Charter did not deserve support.

118. Mr. HAREL (France), speaking on behalf of the European Union, said the Union considered that the text would embroil the Commission in questions that fell within the competence of the Secretary-General himself. Article 101, paragraph 3, of the Charter was applicable to the entire Secretariat and it was not for the Commission to question that provision. The European Union therefore opposed the draft resolution.

119. Mr. NAITO (Japan) said the draft resolution referred to only one of two aspects of Article 101 of the Charter. It drew attention to the need to seek the widest possible geographical distribution among the staff, but failed to recall the need to secure the highest standards of professional competence. Not all developing countries were underrepresented in the Centre for Human Rights, and geographical balance should be assessed from the perspective of the United Nations system as a whole and not from that of the Centre for Human Rights alone.

120. Mr. MUCH (Germany) endorsed the comments made by the representative of France on behalf of the European Union. Germany would vote against the draft resolution for the reasons mentioned and also because it addressed a topic that had already been dealt with at the most recent session of the General Assembly.

121. At the request of the representative of the United Kingdom, the vote was taken by roll-call.

122. China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, India, Indonesia, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Sudan, Togo, Venezuela, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Guinea-Bissau

123. The draft resolution was adopted by 35 votes to 16, with one abstention.